

*REMARKS*

In response to the communication from the Examiner mailed April 23, 2003, Applicant amends his application and requests reconsideration.

No claims are added or cancelled. However, the preambles of claims 2-6 are conformed to the preamble of claim 9, from which those claims depend directly or indirectly.

Two minor errors in the specification are corrected. These corrections conform the description to Figure 5. It can be seen in that figure that the bracket 22 has a circular shape, not a rectangular shape. Further, it is apparent that in the motor structure of Figure 6, the element 77a provides a return path. There is no bus in the figures.

A substitute drawing sheet is submitted including Figures 5 and 6. Figure 5 is corrected by showing the feed terminals 3 that are already described and shown in the patent application with respect to Figures 4A and 6. Thus, no new matter is added. The reference number 3 is likewise added. In the amendment to Figure 6, the reference number 22b has been added. Obviously, the addition of a reference number pointing out an element already illustrated in the figure does not introduce any new matter.

In the communication mailed April 23, 2003, the Examiner asserted that claim 9 does not read on the Figures 5 and 6 that were elected. The Examiner asserted, instead, that claim 9 reads on Figure 3. Appreciation is expressed for the further explanation of the Examiner's view provided in a telephone interview on April 29, 2003. According to that interview, the Examiner stated that claim 9 pertains to Figure 3 because more of the elements of that claim are illustrated in Figure 3 than in Figures 5 and 6. Applicant continues to respectfully disagree.

Applicant is firmly of the view that a species is a described and depicted embodiment and that the elements of claim 9 are clearly present in Figures 5 and 6, even if not clearly shown in the original figures. It is apparent that Figure 3, for example, pertains to a manufacturing process involving lead frames f1 and f2. Further, it is apparent from the text of the patent application that these lead frames are incorporated in the motor structure that is illustrated in Figures 5 and 6. In the motor, the lead frames are encapsulated in a resin and therefore are not shown, because they are not visible.

In order to sustain his position that the structures shown in Figures 5 and 6 include the elements of claim 9, Applicant points out that in Figures 5 and 6 there is an undepicted magnetic yoke 2 that is encapsulated, as described at page 6 of the patent application in lines 12-20, in the base 44. As described in the patent application at page 6, lines 31-33, there are also first and second lead frames f1 and f2 incorporated in the base 44. Further, there are

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feeder terminals 3 that are electrically insulated from the yoke by the resin 44. The resin also insulates the yoke 2 from the feeder terminal and the connection portion of the yoke does not protrude beyond the base 44. Finally, an annular magnet 11 is arranged about, i.e., around the yoke. In other words, the election is correct and was correct. Therefore, examination on the merits should begin with respect to the claims that pertain to the properly elected species.

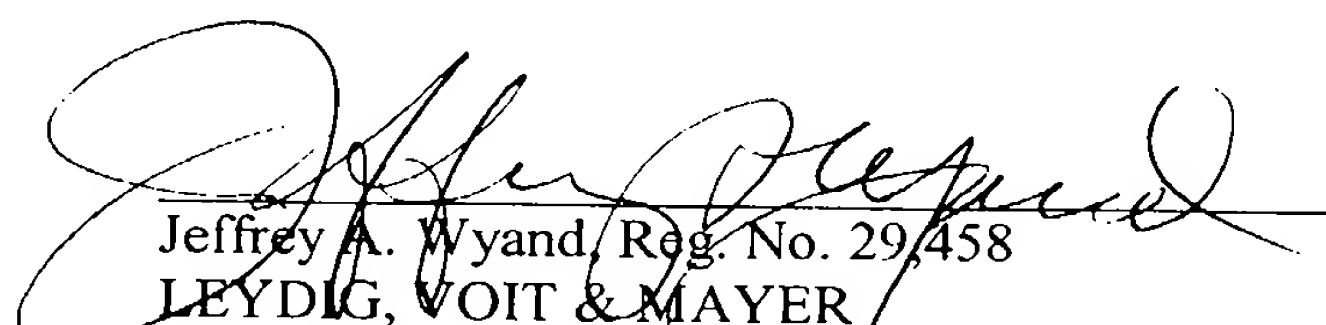
In other words, Applicant disagrees with the Examiner on two separate grounds. First, the Examiner has not defined a species in accordance with the MPEP, which indicates that embodiments are species. Second, the elements of claim 9 that the Examiner asserts are not present in Figures 5 and 6 are, in fact, present there. Therefore, Applicant traverses the Examiner's position and requests that the Examiner, if he continues to disagree, make his position final so that it can be subject to supervisory review on petition.

In order to advance the prosecution, the amended Figure 5 is presented, showing more accurately the elements that are described in the patent application as filed. The reference number 3, as a consequence, has its lead line changed.

Applicant again confirms his election of the alleged species of Figures 5 and 6 upon which claim 9 and its dependent claims 2-6 read. Therefore, at least those claims should be examined.

Prompt reconsideration and examination of the elected claims on the merits are earnestly solicited.

Respectfully submitted,

  
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